

STATE OF TEXAS

0

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF MONTGOMERY

0

That THE BONANZA CORPORATION, a Texas corporation is the owner of Point Aquarius Subdivision, Section One, being 76.8 acres in the Timothy Cude Survey, A-12, Montgomery County, Texas. That restrictions and covenants applicable to Point Aquarius Subdivision, Section One are filed in Volume 744, Page 74 of the Montgomery County Court House and are amended to read as follows:

Part VI-A, Paragraph Four (4) of the restrictions and covenants is amended to read as follows:

4. Limitations of Party Walls: Any townhouse lot having boundry or boundries adjacent to any property other than a townhouse lot may not construct a party wall upon such boundry. All walls constructed adjacent to any boundry other than a boundry adjacent to a townhouse lot will be constructed upon, or behind said boundry as approved by the Architectural Control Committee, except, however, that should said boundry be adjacent to a patio homesite the same provisions as above set forth for party walls for townhouse lots may be made effective subject to the approval of the Architectural Control Committee, and except any townhouse lot which is located at the end of a row of townhouses which will have an outside wall bordering common areas, has an easement upon such common areas for the purpose of constructing an outside wall upon its dividing line between the lot and the common areas. Said easement will be an area not over 6 inches in width running parallel to the outside line of said lot, provided, however, that the construction of such a wall partially upon a common is subject to the approval of the Architectural Control Committee.

Part VI-A, Paragraph Eight (8), of the restrictions and covenants is amended to read as follows:

8. Placement of Party Walls & Foundations: All party walls as approved by the Architectural Control Committee will be centered upon the line dividing the lots upon which such party wall is constructed. There shall be placed thereunder, prior to the construction of such wall, a foundation

sufficient to support said wall and so designed as to allow the owner of the adjoining property to attach in a practical way the extension of such foundation to the benefit and use of a dwelling to be constructed upon his property. Adjoining property owner will have the right to drill into said foundation if necessary for attachment thereto but will be liable for any damage done to the property of the other. The builder of a party wall or any other wall which will be built adjacent to another lot or common areas, will have an underground easement upon said adjacent lot or common area to construct a support slab, the slab to be built underground along and beneath the wall, the bottom portion of which will flare into a bell shaped structure and protrude onto said adjacent lot or commons. Such bell shaped structure will be large enough to support the wall, subject to the approval of the Architectural Control Committee.

This covenant is not to be construed as a requirement that such underground slabs, supports or bell bottoms must be installed under all structures, such requirement shall be at the discretion of the Architectural Control Committee.

WITNESS OUR HANDS this 22 day of October, 1971.

ATTEST:

THE BONANZA CORPORATION

D. L. Apostolo
D. L. Apostolo, Secretary

Jim W. Fuller
Jim W. Fuller, President

STATE OF TEXAS 0
COUNTY OF MONTGOMERY 0

CORPORATION ACKNOWLEDGEMENT

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Jim W. Fuller, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said THE BONANZA CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22 day of October, 1971, A. D.

Jessie Singleton
Notary Public in and for Montgomery County, Texas.

FILED FOR ...ORD
AT 10 O'CLOCK P.M.

OCT 22 1971

ROY HARRIS, Clerk
County Court, Montgomery Co., Tex.
By Linda Harris Deputy

